DECISIONS TO BE ADDED TO ANDREWS' DIGEST.

1104 Entered Apprentices cannot be suspended for failure to learn catechism. (Cash- Pages 31 & 167. Proceedings 1926).

1105 The Grand Master may not grant dispensation allowing a subordinate lodge to hold its regular communication on any other date than that fixed by the by-laws of said Lodge. (Cash- Page 168, Proceedings 1926).

1106 The Grand Lodge cannot act as administrator or guardian for minor children. (Cash- Page 168, Proceedings 1926).

1107 When it is necessary to have a stenographer in a trial, such stenographer must be a Mason, but not necessarily a member of the trial lodge. (Cash- Page 168, Proceedings 1926).

1108 Appointive officersof a lodge may be installed by proxy. (Cash- Page 169, Proceedings 1926).

1109 A brother may withdraw his application for a dimit before any action is taken by the lodge and such brother remains a member of the lodge. (Cash- Page 169, Proceedings 1926).

1110 No lodge may attend a religious service or funeral, in a body and duly clothed unless such lodge is opened in due form before and closed in due form after the service. (Cash- Page 169, Proceedings 1926).

1111 Social functions, to which the public is invited, may be held in a Masonic Hall; however, such functions should be wholly in keeping and accord with the teachings and principles of Masonry. (Cash- Page 169, Proceedings 1926).

1112 A lodge has no right to refuse to issue a dimit to a brother whose dues are paid three months in advance and against whom there were no charges, until a dismissal fee of $2.50 was paid. (Cash- Proceedings 1926, Page 169).

1113 A registered letter containing copy of charges and notice as required by Section 162 mailed to the last known address of an offending brother, more than ten days previous to that time sent for the trial, is a proper notice on which a trial of such offending brother may be held. (Cash- Page 169, Proceedings 1926).

1114 When four brothers were suspended for non payment of dues, by unanimous vote, objection could not be made that the suspension was not legal because the vote was taken on a single resolution to suspend the four. (Cash- Page 169 Proceedings 1926).

1115 A lodge has no authority over an expelledMason. (Cash- Page 169, Proceedings 1926).

1116 It is not legal under any circumstances to administer punishment to a member found guilty of an offense without having notified the entire membership of the lodge of the trial. (Cash- Page 169, Proceedings 1926).

1117 None of the degrees of Masonry can be conferred upon a candidate who does not accept the verbiage of the obligations as prescribed by the Grand Lodge. (Cash- Page 169, Proceedings 1926).

1118 The law in effect at the time candidates were elected to receive the degrees controls the fees for such degrees. (Section 124). (Anderson- Page 155, Proceedings 1927).

1119 Although a lodge by-law requires that "dues shall be $5.00 per annum, same to be paid in advance, a brother who has paid $2.50 and who has been given a receipt showing his dues paid to June 30 and who applies for membership in another lodge in March under Section 146 of the Code has complied with t he Code and dimit should be issued to him, and the mother lodge cannot compel him to pay the balance of the year's dues before granting such dimit. (Section 142). (Anderson- Page 155, Proceedings 1927).

1120 No man may be deprived of the rights and privileges of Masonry except after trial. To deprive a man of his right to vote would be depriving him of such rights and privileges. A brother cannot be deprived of his right to participate in the business of the lodge by vote or otherwise simply because he is as much as one year in arrears for dues. (Anderson- Page 155, Proceedings 1927).

1121 A member is in good standing until he is suspended or expelled, and the fact that he is behind with one year's dues does not deprive him of such good standing or any of his rights and privileges as a Mason. (Anderson- Page 156, Proceedings 1927).

1122 A petition cannot be received from a party under age but who will become of age before the petition is acted upon. Let him wait with patience till he is of lawful age and properly vouched for. (Clark G. M.). The degrees in Masonry, under no circumstances should be conferred simply as a matter of accommodation. (Section 116). (Anderson-Page 156, Proceedings 1927).

1123 When there is only one candidate for Master the rules can be suspended by unanimous vote and some brother instructed to cast the ballot for that candidate; but where the lodge proceeds to ballot the balloting must continue until some brother receives the necessary two-thirds majority for the election of the Master of a lodge (Section 83, Regulation 9). (Anderson- Page 156, Proceedings 1927).

1124 A man to be eligible to receive the degrees in Masonry must be able to conform to the ceremonies of the degrees, subject to Section 117 of the Code. It would not be permissible to substitute a candidate. (Section 117). (Anderson-Page 156, Proceedings 1927).

1125 The by-law of a lodge, having to do with qualifications for membership and which provides that "after a candidate has been

raised---he shall be required to become proficient in the catechism of the third degree, and shall have to pass an examination as to his proficiency in open lodge," which said by-law was interpreted to mean that he could not vote or hold office until that part of the by-law (quoted above) was complied with, unlawfully deprived (by such interpretation) a Master Mason of some of his rights or privileges, and all members of said lodge in good standing were entitled to vote and hold office regardless of their proficiency in the catechism of the third degree. (Anderson- Page 156, Proceedings 1927).

1126 If a brother, who has been stopped for advancement, waits three months and then applies for advancement, a ballot is necessary and should be spread without request. A new ballot must be taken each time an applicant, previously rejected, applies for advancement. (Section 127). (Anderson- Page 156, Proceedings 1927).

1127 In January, 1922, a dimit was granted by Ashler Lodge to Bro. A. B., for the purpose of joining Fleetwood Lodge. Fleetwood Lodge was established U. D. September 2, 1922. In 1923, charges were preferred against Bro. A. B. by Ashler Lodge and he was convicted and expelled by said lodge-- Fleetwood Lodge being U. D. having no trial jurisdiction. Fleetwood Lodge was continued U. D. until January 1924 when a charter was refused by the Grand Lodge. In the fall of 1924 Ashler Lodge restored Bro. A. B. and elected him a member of Ashler Lodge. Held: Ashler Lodge had no right to restore Bro. A. B. to membership in Ashler Lodge as he had not received a dimit and can only be restored to membership in Ashler Lodge by filing a dimit with his application, without which Ashler Lodge could only restore him to the rights and privileges of Masonry. If he desires to join Ashler Lodge he must apply to the Grand Secretary of a dimit and if he was clear on the books of Fleetwood lodge when he was expelled the dimit will be

granted. In the meantime the Secretary of Ashler Lodge must notify the Grand Secretary under seal and give the date when said Brother was restored to the rights and privileges of Masonry. (Anderson- Page 156, Proceedings 1927).

The acting Grand Master based his decision in this case on his construction of the word "established" in Section 144 as synonymous with the word "formed", Your Committee approves this construction andhereby declares the word "established" as used in said Section to be synonymous with and to mean the same thing as the word "formed."

1128 A Brother who has been summoned to appear and show cause why he should not be suspended for the non-payment of dues and who fails to appear or pay his dues cannot be tried for failure to answer a legal summons. The purpose of a summons issued in connection with the collection of dues is to collect the dues and is not to be confused with a legal summons issued for the specific purpose of securing attendance at a meeting. (Anderson- Page 157, Proceedings 1927).

1129 A man with a cork leg is eligible to receive the degrees in Masonry if the leg can be so manipulated as to enable him to comply with Section 117 paragraph 3 of the Code. To be able to comply with this Section he would have to be able to take the steps and conform to the requirements of the position for obligation. (Anderson-Page 157, Proceedings 1927).

1130 A candidate must be sworn on the Holy Bible. (Anderson-Page 157, Proceedings 1927).

1131 A candidate who was elected to receive the degrees and before initiation was stopped by another ballot taken will be required to wait twelve months before applying again for initiation.

(Anderson Page 157, Proceedings 1927).

1132. A lodge has no right to bury a suspended member, without Masonic honors, and certainly no resolutions of respect should be spread upon the minutes. Being under sentence of suspension he was suspended from all the rights and privileges of Masonry until properly restored. (Anderson-Page 157, Proceedings 1927).

1133. That a man petitioning for the degrees, being elected, and when he appears for Initiation a second ballot was called for, that the ballot should have been taken at once and not delayed until the next regular communication. If foul the candidate is at once in the position of a rejected candidate, and the fee should be returned to him. (See Dec.17,1927, Page 157).(Anderson Page 153, Proceedings 1928).

1134. A man initiated in Canada, in which jurisdiction dues are charged against Entered Apprentices, was suspended as an Entered Apprentice for non-payment of dues. Being an Entered Apprentice he is a Mason of qualified degree and Masons of any degree can only be affiliated with the deposit of a dimit. The Brother is under the jurisdiction of the Canadian Lodge until he secures a dimit from that lodge. (Anderson - Page 153, Proceedings 1928).

1135. A dimitted Mason who is about to die, being unable to sign his petition, desires to affiliate with a lodge, that he may receive a Masonic burial, instructed a Brother to sign a petition for him. Under the circumstances cited, a lodge may not entertain an application which is not signed by the applicant himself. Ample provision is made in the Code, in Regulation 120, Page 53, for funeral of non-affiliates. (Sec.119). (Anderson - Page 153, Proceedings 1928).

1136. A Brother summoned to appear and show cause why he should not be suspended for non-payment of dues, gave a check for the amount and a receipt was issued to him. The check was not good. The fact that the card was issued does not make him in good standing if it can be shown that the card was obtained by fraud, and the Brother may be suspended for non-payment of dues if the check is not paid. (Anderson- Page 153, Proceedings 1928).

1137. That a man who had lost his right hand before Initiated, had, through misinterpretation of the Code, been initiated, could not be advanced further. The candidate is barred from becoming a Master Mason under Section 117 of the Code. Because of the error of the lodge the fees may be returned to him if the lodge sees fit to do so. (Anderson-Page 153, Proceedings 1928).

1138. That a man whose left arm is amputated about the elbow cannot be made a Mason. He cannot comply with the requirements of Section 117, paragraph 3 of the Code. A man who has lost only his left hand can comply with the requirements of Initiation by artificial means provided he habitually uses an artificial hand. (Dec.798, 812 Andrews' Digest). (Anderson-Page 153, Proceedings 1928).

1139. That no part of the fees shall be returned to a candidate after Initiation because he is incapable of learning the lectures. Having been initiated, he is a Mason of qualified degree and as such he is subject to all Masonic law. He has a right to demand that he proceed with the work if he is qualified for advancement. He must not be advanced until he has made proficiency in the preceding degree. (Sec.132). (Anderson- Page 153,Proceedings 1928).

1140. A lodge elected a member as Master who had not previously

served as a Master or a Warden and requested a dispensation to install him. That no dispensation is necessary if there is no Past Master or Warden, member of the lodge, who is qualified and willing to serve as Master; however, if after inquiry, they have found a Past Master or Warden who is both willing and qualified to serve them, the election of the member is void. Merely serving as Warden does not qualify him for the position. He must be both qualified and willing to serve. (Sec.81.) (Anderson- Page 154, Proceedings 1928).

1141. That a candidate elected to receive degrees in 1919, having failed to present himself within the time required by the Code and is now living in Mississippi, desires the lodge electing him to request the Mississippi Lodge to confer the degrees, has forfeited his election and is bound by the law of the Grand Jurisdiction of Mississippi, in which State he now lives and we have no jurisdiction over him. (Sec.129). (Anderson- Page 154, Proceedings 1928).

1142. A legal Masonic residence for the purpose of making petition for the degrees is acquired only by actual bona fide residence for twelve consecutive months within the territorial jurisdiction of a regular lodge. A lodge having gained jurisdiction hold it until some other lodge gains it by such residence for twelve consecutive months within its territorial jurisdiction. (Dec.739; 842; 917-892, Andrews' Digest, Sec.118). (Anderson Page 154, Proceedings 1928).

1143. We cannot recognize any interference of our laws by any other Grand Lodge and a candidate who had been elected to receive the degrees in a North Carolina lodge, having been rejected in a lodge in Florida in 1924, and Florida claiming five years' jurisdiction over rejected material, the lodge in North Carolina

was justified in entertaining the petition if the candidate has resided in the jurisdiction of the North Carolina lodge the prescribed time. (Sec.4; Sec.118). (Anderson-Page 154, Proceedings 1928).

1144. A member suspended for nonpayment of dues upon paying his dues and making application for reinstatement, and being rejected cannot apply to any other lodge for membership, unless he is reinstated by the lodge which suspends him, or unless he applied for and is reinstated to all the rights and privileges in Masonry by the Grand Lodge, and the Grand Lodge cannot restore membership in any particular lodge. (Sec.104: Dec.902; 1016 Andrews' Digest). (Anderson- Page 154, Proceedings 1928).

1145. A Fellow Craft of a North Carolina lodge whose charter had been arrested, now lives in Tennessee, is the material of the lodge nearest to the North Carolina lodge whose charter was arrested, and he may receive the Master Mason's Degree in that lodge or it may request another lodge to confer the Master Mason's Degree for it, if it so desires (See.Reg. 195, Page 78 of the Code). But, having removed into another State, he is also subject to the laws of that Grand Jurisdiction and they may receive him as a Fellow Craft, if they so desire, but neither a North Carolina lodge nor our Grand Secretary may issue a dimit to a Fellow Craft. (Anderson-Page 154, Proceedings 1928).

1146. At the January Communication of a Lodge, a ballot was spread on a Petition for the degrees, a black ball appeared. Whereupon the Master ordered a second ballot with the same result. At the February Communication of said Lodge a new ballot on said Petition was called for and the Master declined to grant the request. The ruling of the Master was correct under Section 127 and Regulation 184 of the Code. Sec.127. (Dunn-Page 56, Proceedings

1929)

Question: If Brethren confess their guilt, ask the lodge to forgive them, and promise not to be guilty of the offense any more, should we give them another chance to make good by holding them in good standing for six or twelve months on trial?

Answer: A plea of guilty is admission of guilt, and only the punishment is to follow. If the accused is adjudged guilty on his own admission, then the lodge must proceed to fix the punishment, as provided in Chapter 27, Page 102 of the Code. If the offense is one for which the law fixes the punishment, no vote is to be taken, thereon, but the Master shall declare what the punishment is without a vote of the Lodge. Unless the law fixes the punishment for the offense, then the Lodge must fix same in accordance with Sections 206 and 210. Sec. 183 (Dunn- Page 57, Proceedings 1929).

1148 The fact a Brother who has been suspended for non payment of dues is incapable of engaging in any kind of business, does not affect his right to make application for reinstatement. (Dunn- Page 57, Proceedings 1929).

1149 The lodge is the sole judge of the amount which it may require to be paid by a suspended Brother before reinstating him. The sum, however, must not exceed the amount he would then owe the lodge had he not been suspended. Sec. 104, Reg. 130. Reg. 268. (Dunn- Page 57, Proceedings 1929).

1150 A unanimous ballot is required to remit all of the dues of a suspended brother, seeking reinstatement. Sec. 105. (Dunn- Page 57, Proceedings 1929).

1151 A ballot cannot be taken for a rejected petitioner in less than 12 months from the date of such rejection and then only after a new Petition shall have been filed by him and the same procedure had as in the case of the original petition. This

procedure must be had even if the Brother who cast the negative ballot on the Petition has informed the Master that the information which guided him in the casting of such negative ballot was afterwards found by him to be incorrect. Sec. 127. (Dunn- Page 57, Proceedings 1929).

1152 Prior to surrendering its Charter, Grand View Lodge, No. 608 suspended a Brother for non-payment of dues. Such Brother now wishes to pay up and have dimit issued to him. This Brother must make regular application to the lodge nearest his residence whose material he became upon the surrender of its charter by Grand View Lodge No. 608; he must pay to such Lodge such sum as said Lodge may require, (not to exceed however the amount he would have owed Grand View Lodge at the time it surrendered its Charter); when he shall have done this, he will then stand in the same relation to the Lodge nearest his residence and which acquired jurisdiction over him as a Brother dimitted from a sister Lodge. Sec. 139 (B) Sec. 135. (Dunn- Page 58, Proceedings 1929).

1153 No visitor shall be allowed to be present at a trial. Therefore, a Judge from B. Lodge could not preside at a trial held by A Lodge. Sec. 202 (B). (Dunn- Page 58, Proceedings 1929).

1154 The Code does not require members of a Lodge to sign the by-laws. This is a foolish procedure under which a member signs something he knows nothing about and has no conception whatever of what he is signing, as the by-laws are not read to him. Therefore the by-laws of a lodge which provides that "no member of a lodge can vote or hold office until he signs the by-laws" is a contravention of Sub-section 2, Section 130, of the Code and is therefore void. Sec. 130. (Dunn- Page 58, Proceedings 1929).

1155 A subordinate lodge has disciplinary jurisdiction to try and punish Entered Apprentices for Masonic offense. Charges again-

st an Entered Apprentice for un-masonic conduct are made in the same way and the proceedings are the same as in the case of Master Masons, except that all such proceedings against Entered Apprentices should be held in an Entered Apprentice Lodge, until the Lodge is ready to deliberate and vote on the questions of guilt and punishment, at which time, a Master Mason's Lodge should be opened and the questions of guilt and punishment should be determined therein. Reb. 236. (Dunn- Page 58, Proceedings 1929).

1156 A traveling salesman who married in Taylorsville and established his home there four years ago, and whose wife lives there all of the time is properly the material of Lee Lodge No. 253, Taylorsville, N. C. (Dunn- Page 59, Proceedings 1929).

1157 While a Lodge should not restore to membership a Brother expelled for making whiskey unless there has been a complete reformation or unless there is newly discovered evidence which would convince the Lodge that the Brother against whom charges had been preferred should not have been expelled, yet there is no law to prevent a Brother expelled for making whiskey from presenting his application for restoration to membership. Such application must be referred to a Committee, must lie over for at least one month, and must be balloted on in like manner as a Petition for the degrees. The ballot for such restoration must be unanimous. After the Committee makes its report, the application cannot be withdrawn, but the ballot thereon must be taken. Sec. 207. (Dunn- Page 59, Proceedings 1929).

1158 Under the law of the Grand Lodge, a man whose second and third fingers of his right hand are completely off, but who has his thumb and little finger and a stub of his forefinger is ineligible to receive the degrees of Masonry. Decisions 602, 625, 874, 910, 950--Andrews' Digest.(Dunn- Page 59 Proceedings 1929). (obsolete- See Sec. 117, paragraph 4, page 67 of Code)

1159 Question: A candidate was duly initiated; while being prepared for passing, it was brought to the attention of the lodge that he had lost a forefinger of his right hand, the three knuckles of his forefinger being gone. IS such Candidate ineligible to receive the degrees of Fellow Craft and Master Mason?

Answer: While I cannot see how this defect escaped the Worshipful Master and the officers of the Lodge and especially when giving the candidate the Entered Apprentice grip, yet their negligence should not bar the candidate from receiving the degrees of Fellow Craft and Master Mason, provided he is able to meet the other requirements of candidates for those degrees. The defect in question will not bar him ffom being passed and raised. (Dunn- Page 59, Proceedings 1929).

1160 Question: A petitioned Mill Creek Lodge for the degrees of Masonry a number of years ago. He was accepted and initiated; about that time he was elected Register of Deeds for Sampson County and moved to Clinton, where he has since resided. At the time he petitioned Mill Creek Lodge, the fees were $15.00, $5.00 payable on receiving each degree. He paid the first $5.00 and received the first degree. He now wants to receive the other degrees. (1) Does Mill Creek still hold jurisdiction? (2) What fees will he be required to pay? (3) Should he take the other degrees in Mill Creek Lodge or at Clinton?

Answer: (1) Mill Creek still holds jurisdiction. (2) The law of the Grand Lodge with respect to fees in force at the date of the petition controls the matter of fees. (3) He will have to take the degrees in Mill Creek Lodge, or in such lodge as Mill Creek may request to confer the degrees. (Dunn- Page 60, Proceedings 1929).

1161 A man who has lost his right arm below the elbow is

not eligible to receive the degrees of Masonry. (Dunn- Page 60 Proceedings1929). (obsolete - See Sec. 117, paragraph 4, Page 67 of Code).

1162 A- was a member of Shiloh Lodge, No. 250. In 1921, without getting a dimit from Shiloh Lodge, he became a charter member of Twin River Lodge, No. 338 at Clarksville, Va. He regularly paid his dues in both Lodges until 1926, when he ceased to pay his dues in Shiloh Lodge. In March 1927, he paid $2.50 in Shiloh Lodge and asked for a dimit which was refused because he had not paid his dues to Shiloh Lodge for 1926. In September 1926 he received a dimit from Twin River Lodge, in Virginia, which dimit he held until 1927, when with such dimit he applied for membership in Oxford Lodge No. 396 and was duly elected a member of such Lodge. HELD: That A. was still a member of Shiloh Lodge No. 250. His membership in Oxford Lodge, No. 396 was null and void and said Lodge was ordered to strike his name from its membership. Sec. 94 .*(Dunn- Page 60, Proceedings 1929).

1163 Where the vote on the question of guilt of a Brother charged with a Masonic offense stood thirteen for "guilty" and thirteen for "not guilty", the accused Brother was acquitted of the charge as a majority vote is necessary to a conviction. Any member of the Lodge, including the prosecutor, has the right to appeal from the decision of the Lodge to the Grand Lodge. Sec. 197, Sec. 204. (Dunn- Page 60, Proceedings 1929).

1164 A man petitioned for the degrees; his petition was referred to the proper Committee which reported favorably. The ballot on the Petition was favorable. He appeared ready for initiation and was asked the customary questions and answered them satisfactorily. He was conducted to the altar where he denied any belief in a Supreme Being, whereupon he was led out of the Lodge. I was asked whether the initiation fee should be returned. I ruled that it should be

returned at once. Masonry not only does not want such a man in its membership, but will have none of his money in its Treasury. Sec. 1 (A). Sec. 151 (3). (Dunn- Page 61, Proceedings 1929).

1165 The Lodge can require a Brother suspended for non payment of dues to pay any sum, not in excess of the amount he would then owe the Lodge had he not been suspended, before reinstating him. Sec. 104. (Dunn- Page 61, Proceedings 1929).

1166 A Lodge may remit the dues of one under suspension only by unanimous ballot. Sec. 105 (Dunn- Page 61 Proceedings 1929).

1167 Question: A Lodge in North Carolina was requested to confer the Fellow Craft and Master Mason Degrees on an Entered Apprentice elected and initiated in Illinois. A Lodge conferred the Fellow Craft degree and a Brother of A. Lodge objected to his being raised. Did such Brother of A. Lodge have a right to make such objection?

Answer: Yes. The conferring of degrees is simply an act of courtesy, and the Lodge requested to confer the degrees may have good reasons for refusing and may refuse to confer the degrees. If the Lodge requested, or any member thereof, have reason to believe the candidate unworthy to be advanced, it should refuse to confer the degrees, or having conferred one of the degrees, any Brother of said Lodge may object to advancement or raising, whereupon the Lodge requested should notify the lodge making the request so that such requesting Lodge may take such action with respect to the Candidate as it might appear proper. Should the lodge making the request, after having received notice of such action on the part of the Lodge requested, take no action, or if it should vote to advance or raise the candidate, the requested lodge may still decline to confer the degrees. No lodge ought to

confer the degrees as a matter of courtesy to another Lodge on a Candidate who would not be admitted to the Lodge requested as a member after the degrees had been conferred, and no Lodge should advance or raise a Candidate as a courtesy to another Lodge when the Lodge so requested has reason to believe the candidate unworthy to be advanced or raised. Decisions 601, 639-- Andrews' Digest. (Dunn- Page 62 Proceedings 1929).

1168 A Lodge in North Carolina cannot receive petition for the degrees from one who has worked in the Jurisdiction of said lodge for nine months, whose headquarters are in the Jurisdiction of another Lodge, but whose people live in Cowpens, S. C., where he stays when not on duty, he being an extra man, working out of Charlotte. The man in question has not been a bona fide resident of the State of North Carolina, within the jurisdiction of said Lodge, for twelve months. Sec. 118. (Dunn- Page 62, Proceedings 1929).

1169 Question: Can a Subordinate Lodge entertain petition of member who has been previously expelled, or should such member apply to the Grand Lodge?

Answer: The petition would be made to the subordinate Lodge. A Committee of investigation would have to be appointed; the petition would have to lie over for a lunar month, and then be balloted on in the usual manner, and the ballot must be unanimous for his reinstatement. Sec. 207. (Dunn- Page 62, Proceedings 1929).

1170 No dispensation is necessary for the removal of the meeting place of a Lodge from one part of same city to another. This does not constitute such a removal of meeting place as is contemplated by the Code. (Dunn- Page 62, Proceedings 1929).

1171. Question: Can the Master of aLodge on receipt of a certified copy of the Judgment of the Federal Court sentencing a Brother for selling liquor, declare the offending Brother expelled without a trial?

Answer: No. The record of conviction by the Court is competent evidence and prima facie proof of guilt, however, the Brother must be tried by the Lodge, when, upon his being convicted by the Lodge of the crime charged, the Master declares the offending Brother expelled by virtue of Section 151 (6) A. (Dunn- Page 62, Proceedings 1929).

1172 A. is a member of X Lodge and B. is a member of Y. Lodge. B. alleges that A has made slanderous statements about his (B's) wife, and wishes to bring charges against A in A's Lodge. In which lodge may charges be brought?

Answer:
First: Charges may be preferred against A. in A's lodge. a lodge exercises penal jurisdiction over its own members, and no matter where their place of residence may be, can arraign and punish them when guilty of wrong-doing. (Andrews' Digest, Decision 480).

Second: Charges may be brought against A in B's lodge, if A is residing or sojourning within the jurisdiction of B's lodge. Every subordinate lodge has disciplinary jurisdiction to try and punish, for Masonic offenses, all Entered Apprentices, Fellow Crafts, and Master Masons residing or sojourning within its jurisdiction, except in cases in which, by provisions of the Code, the Grand Lodge has exclusive jurisdiction. (Code, Section 153). (Timberlake- Page 36, Proceedings 1931).

1173. A. was a Fellow Craft of Paw Creek Lodge, which lodge surrendered its charter on January 1, 1930. A. was sojourning in Texas, in 1929, and a lodge in Texas was duly requested to confer the

Master Masons' Degree upon him. The degree was not, however, conferred until after Paw Creek Lodge surrendered its charter, the Texas Lodge not having received notice that the charter of Paw Creek Lodge had been surrendered. The nearest lodges to Paw Creek, and to A's residence, are the lodges in Charlotte, in which city there are three lodges. A. desires to become a member of Joppa Lodge, No. 530 located in Charlotte.

Upon the foregoing facts, I held as follows:

Firest: That A, being a Fellow Craft of Paw Creek Lodge at the time it became defunct, was the material of the three lodges in Charlotte concurrently, they having concurrent jurisdiction. (Code, section 139(B), and Section 71).

Second: That the lodge in Charlotte that first assumes jurisdiction over A would hold jurisdiction.

Third: That since the three lodges in Charlotte have concurrent jurisdiction, A may select which lodge he will apply to for membership, and upon his joining any one of the three, the lodge which he joins would thereby acquire jurisdiction over him.

Fourth; Since the Master Mason's Degree was not conferred on A until after Paw Creek Lodge surrendered its charter, and since the Charlotte lodge which he elects to join acquires jurisdiction over him he thereby becomes the material of such Charlotte lodge.

Fifth: That, upon A's applying to either of the three Charlotte lodges, the lodge to which he applies has the right to receive his petition and admit him to membership. (Timberlake- Page 36 Proceedings 1931)

1174. A. was a member of the U. S. Marine Corps, and was stationed in Port au Prince, Haiti. While stationed there, he petitioned for the degrees and was made a Mason in Port au Prince Lodge.

His residence is now, and has been for some time past, in the City of Raleigh, he no longer being a member of the Marine Corps. He desires to petition Raleigh Lodge No. 500, for membership, upon a dimit from Port au Prince Lodge. The Grand Orient of Haiti is not recognized by the Grand Lodge of North Carolina.

Answer: A. may petition Raleigh Lodge No. 500, upon the dimit from Port au Prince Lodge, but it is necessary, in the event of his election to membership, for him to be healed by being reobligated in the degrees of Entered Apprentice, Fellow Craft and Master Mason, in the manner provided in Section 148 of the Masonic Code of North Carolina. (Andrews' Digest, Decisions 802 and 803).

Section 151 of the Code, forbidding healing any degree conferred in a clandestine lodge, does not apply to this case, as the Grand Orient of Haiti is not a clandestine lodge, though not recognized by our Grand Lodge. (Timberlake, Page 37, Proceedings 1931).

1175 A. was a member of X Lodge, and was suspended for non payment of dues. He petitioned the lodge for reinstatement, and was rejected. Can the ballot be re-considered?

Answer: The ballot rejecting A cannot be re-considered. It is provided in Regulation 184, page 72, of the Code, that "A lodge has no right to rescind nor reconsider its decision made by a ballot upon a petition for the degrees or on an application for membership." A. must therefore wait until the expiration of three months, when he may again apply for reinstatement in the manner provided in Section 127 of the Code. (Timberlake- Page 37, Proceedings 1931).

1176 A. was convicted in the State courts of possessing and selling intoxicating liquors. Is a lodge trial necessary, or should A be declared expelled by the Master upon a certified copy of the court record being produced in the lodge?

Answer: A. is entitled to a lodge trial. Under Section 151 of the Code a certified copy of the court record, in a conviction of selling intoxicating liquors, is prima facie, but not conclusive proof of guilt. A member may not be expelled from a lodge without being given the opportunity of being heard. See Decision by Duhn, G. M. Proceedings 1929, page 63). (Timberlake, Page 38, Proceedings 1931).

1177 A. is a resident within the jurisdiction of a proposed new lodge, but is a member of a lodge in Georgia. May A. sign the petition for the dispensation , and file his dimit along with the other dimits, and become a member of the new lodge under dispensation?

Answer: A bona fide resident within the jurisdiction of a proposed new lodge, although he is a member of a lodge in another State, may sign the petition for the dispensation, file his dimit along with the other dimits, and become a member of the new lodge under dispensation.

Chapter VII of the Code, under which lodges under dispensation may be established, does not limit the petitioners to members of North Carolina lodges, but they must be bona fide residents within the jurisdiction of the proposed new lodge. (Timberlake, Page 38, Proceedings 1931).

1178 A. was suspended for non payment of dues, the members present and voting to suspend him being under the mistaken impression that he could be automatically reinstated upon paying the amount due the lodge. Can the action suspending A be re-considered by the lodge at a subsequent stated Communication?

Answer: The action suspending A. cannot be re-considered. Mistake of law does not excuse. A must petition the lodge for reinstatement, and the regular procedure followed as provided in Section 121 of the Code. (Timberlake, Page 39, Proceedings 1931).

1179 A. was expelled from Shelmerdine Lodge in 1913. Shelmerdine Lodge surrendered its charter in 1927. A. desires to apply for reinstatement. To whom may he apply?

Answer: A. may apply to the Grand Lodge for restoration to the rights and privileges of Masonry. If the Grand Lodge should act favorably on his application, he would not be restored to membership in any lodge, but only to the rights and privileges of Masonry. He could then secure a certificate from the Grand Secretary, which would operate as a dimit, and apply for membership in any lodge that he may desire. (Code, section 237). (Timberlake, Page 39, Proceedings 1931).

1180 A. was initiated in Columbia Lodge in 1910, and soon thereafter, in 1910, Columbia Lodge became defunct. At the time Columbia Lodge became defunct, A. was a resident of Buffalo City, N. C. and still is a resident of said place. Measured in a straight line on the map, Perquimans Lodge No. 106, Hertford, and Roper Lodge, No. 443 at Roper appear to be equally distant from Columbia, or so nearly so as to be impracticable of ascertaining which is the nearer to Columbia. A. petitioned Perquimans Lodge No. 106, in February, 1930, as an Entered Apprentice of Columbia Lodge. Has Perquimans Lodge jurisdiction to receive his petition?

Upon the foregoing facts, I held as follows:

First: That A, being an Entered Apprentice of Columbia Lodge at the time said Lodge became defunct in 1910, became the material of the nearest lodge to Columbia.

Second: That Perquimans Lodge, No. 106, and Roper Lodge No. 443, being equally distant from Columbia, or so nearly as to make it impracticable of ascertaining which is the nearer, A may select which of said two lodges he desires to petition.

Third: That A, having elected to petition Perquimans

Lodge No. 106, and having petitioned Perquimans Lodge, No. 106, as above mentioned, Perquimans Lodge No. 106, thereby acquired jurisdiction of A, and therefore has jurisdiction to receive his petition.

(Note: Section 139 (B) of the present Masonic Code, adopted in 1924, provides that an Entered Apprentice or Fellow Craft of a defunct lodge becomes the material of the lodge nearest his residence. The law, prior to the adoption of the present Code, and which is found in Regulation 176, page 110, of the Code of 1915, provided that an Entered Apprentice or Fellow Craft of a defunct lodge became the material of the lodge nearest the defunct lodge. As Columbia Lodge became defunct in 1910, this case is governed by the Code of 1915, and not by the Code of 1924. If Columbia Lodge had become defunct since the adoption of the Code of 1924, A would be the material of Wanchese Lodge No. 521 at Wanchese, N. C., which appears to be the nearest lodge to Buffalo City, A's residence. As Columbia Lodge became defunct in 1910, however, and the case being governed by the law at that time, he comes within the jurisdiction of Perquimans Lodge, No. 106, as above set forth). (Timberlake - Page 39, Proceedings 1931).

1181 A. petitioned for the degrees of Masonry in Winston Lodge No. 167, in 1920, and was elected. He was duly notified of his election, and on the day he received said notice, left for Chicago, Illinois, where he has since resided. He now wishes to take the degrees. What is his status?

Answer:
First: More than twelve months having elapsed since A was elected and notice given him, his election and fee are forfeited under section 129 of the Code, and he is in the same situation that he would have been in had he never petitioned for the degrees of Masonry. In other words, he is now in the position of a profane.

Second: A. having moved his residence from North Carolina, there is no jurisdiction possessed over him by any lodge in this State. (Code, section 73). He is therefore eligible to petition for the degrees in Illinois without the necessity of a waiver or other action by Winston Lodge No. 167. That is to say, he is eligible to do so in so far as the jurisdiction of North Carolina relates to the matter. It follows as a result that he is now ineligible to petition Winston Lodge No. 167, again, since he could not be eligible to petition in two Grand Jurisdictions at the same time. (Timberlake- Page 40, Proceedings 1931).

1182 A. was a citizen and resident of Philadelphia, Pa., and while a citizen and resident of said City and State enlisted in the U. S. Navy. He was subsequently stationed at High Point, N. C. After he had been stationed at High Point for more than twelve months, he petitioned for, and was elected to, the degrees of Masonry in Numa F. Reid Lodge No. 344, at High Point, this being 1927. After his election he was transferred from High Point, and never received any of the degrees in Numa F. Reid Lodge. He is now back in Philadelphia, and being desirous of applying for the degrees there, requests that his fee be returned. What is the proper procedure to be followed in this case?

Answer:

First: The lodge claiming jurisdiction over an officer or enlisted man in the army or navy continues to hold it as long as he is in the service. In case no jurisdiction is claimed by his home lodge, he may petition another lodge within whose jurisdiction he is stationed, after he has resided within the jurisdiction of such lodge for more than twelve months. (Andrews' Digest, Decision 1033).

Second: A . being a citizen and resident of Pennsylvania at the time of his enlistment in the U. S. Navy, was within the jurisdiction of that State at said time, and continues within its

jurisdiction as long as he remains in the service, unless Pennsylvania claims no jurisdiction over him. It does not appear in this case that Pennsylvania did not claim jurisdiction over A, and therefore Numa F. Reid Lodge had no jurisdiction to act upon his petition without a waiver from Pennsylvania.

Third: In view of the fact that A was elected without jurisdiction, and never received any of the degrees, the proper procedure in the case is for Numa F. Reid Lodge to declare his election void and return to him the fee. (Timberlake.- Page 41, Proceedings 1931).

1183 A and B are enlisted men in the U. S. Army, and have been stationed at Fort Bragg for more than twelve months, having been transferred from the State of Georgia to Fort Bragg. They were citizens and residents of Georgia at the time of their enlistment. They are now petitioning Fort Bragg Lodge, U. D., for the degrees of Masonry. Has Fort Bragg Lodge jurisdiction to act upon their petitions without a waiver?

Answer: Fort Bragg Lodge has no jurisdiction to act upon these petitions without a waiver from Georgia, unless Georgia does not claim jurisdiction. The lodge claiming jurisdiction over an officer or enlisted man in the army or navy at the time of his enlistment continues to hold it as long as he is in the service. In case no jurisdiction is claimed by his home lodge, he may petition Fort Bragg Lodge after he has resided twelve months or more at Fort Bragg. (Andrews' Digest. Decision 1033).

(Note: In a decision rendered by Grand Master Poteat, and approved by the Jurisprudence Committee, it was held that " the lodge claiming jurisdiction over an officer or enlisted man in the army or navy at the time of his enlistment continues to hold it as

long as he is in the service. In case no jurisdiction is claimed by his home lodge, he may petition Phoenix Lodge (at Fayetteville) after he has resided twelve months or more at Fort B ragg." (Andrews' Digest, Decision 1033).

At the last session of the Grand Lodge, in January, 1930, the Jurisprudence Committee recommendedthat a dispensation for a lodge at Fort Bragg be issued when the constitutional number of s ignatures and dimits had been supplied. The constitutional number of signatures and dimits having been supplied, the dispensation was accordingly issued.

There appears to be nothingin the recommendation of the Jurisprudence Committee, above referred to, that indicates that it was the intention of the Committee, in making the recommendation , to abrogate the law as contained in the decision of Grand Master Poteat and approved by the Committee. In the absence, therefore, of anything to indicate such an intention, on the part of the Committee, I am of the opinion that the decision of Grand Master Poteat applies to the two petitioners herein above mentioned.

Fort Bragg Lodge U. D., has all the rights and privileges of any other lodge Under Dispensation, but no greater rights and privileges either in matters of jurisdiction or otherwise.

It is true that the dispensation to form Fort Bragg Lodge was issued upon the petition of those who were officers and enlisted men in the army, but it is to be observed that those were already Master Masons, and were for the most part members of a North Carolina Lodge (Phoenix Lodge at Fayetteville).

In conclusion, it may be added that we claim jurisdiction over citizens of this State who are enlisted in the army or navy, no matter where they may be stationed. (See decision by Grand Master Norfleet, Andrews' Digest, Decision 954, also Andrews'

Digest, Decision 122). It would seem to follow that we cannot consistently deny the jurisdiction of other Grand Lodges in similar cases. (Timberlake- Page 42, Proceedings 1931).

1184 About ten or twelve years ago, A petitioned Andrew Jackson Lodge No. 576 at Salisbury, N. C., for the degrees of Masonry. He was elected, initiated, and passed, but was stopped on a ballot for the third degree. He left Salisbury, a short time thereafter, and was never heard from again until within the past few months Andrew Jackson Lodge was asked by him to request a lodge in Ohio to confer the Master Masons degree upon him.

This Andrew Jackson Lodge declined to do. A short while thereafter, the Ohio Lodge advised Andrew Jackson Lodge that A had petitioned said Ohio Lodge for the degrees, and asked for information concerning him.

Andrew Jackson Lodge referred the case to me, presenting two questions for decision, as follows:

1. A, having been initiated and passed in Andrew Jackson Lodge, does Andrew Jackson Lodge hold jurisdiction over him?

Answer: Yes, Entered Apprentices and Fellow Crafts are the material of the lodge which they petition for the degrees of Masonry, and such lodge holds jurisdiction.

2. Has Andrew Jackson Lodge the right to waive jurisdiction over A after objection has been made to his taking the Master Mason's degree?

Answer; No, A waiver of jurisdiction cannot be granted, except as authorized by section 73, page 38, of the Masonic Code.

If A desires to receive the Master Mason's degree, he must make application to Andrew Jackson Lodge for that degree. If he should be elected, Andrew Jackson Lodge may, if it so desire, request

the Ohio Lodge to confer the Master Mason's degree upon him. If he should not be elected to receive the Master Mason's degree, then his only recourse is to wait three months, and again apply to Andrew Jackson Lodge. (Code, section 127, pages 71, 72).(Timberlake, Page 43, Proceedings 1931).

1185 A member of Excelsior Lodge, No. 261, was suspended on the 2nd day of June, 1930, for the nonpayment of dues.

Question: Are the provisions of subsection 1, section 104, enacted in January, 1931 (1931 Proceedings, page 164) open to him?

Answer: Yes. My interpretation of the amendment embodied in the above subsection is that the p rivilege there giv en is open to any Mason suspended for non payment of dues who shall comply with the provisions thereof within two years from the date of suspension regardless of whether that date be before or after the enactment thereof. (Winbore- Page 31, Proceedings 1932).

1186 The Secretary of Excelsior Lodge, No. 261, notified "A", a member of said lodge, of his indebtedness, under section 101 of the Code as amended (1931 Proceedings, page 164), and of the fact that unless same be paid at the next regular communication of said lodge he would be summonedto appear and show cause why he should not be suspended. "A" appeared by letter and asked for extension of time within which to pay. Definite extension was granted by the lodge. He failed to pay within that time.

Question: Is it necessary for the Secretary to give further notice to him before summons can issue?

Answer: No. (Winborne- Page 31, Proceedings 1932).

1187 "B", a member of Blackmer Lodge, No. 170, was tried and expelled by the lodge on the charge that he "did not make due and legal answer to a legal Masonic summons issued to him

in a legal manner, as provided in the Constitution of the Grand Lodge of North Carolina, A.F. & A. M., to show cause why the said brother should not be suspended for non payment of dues."

Held: That the action of the lodge was without authority and contrary to the decisions of the Grand Lodge and should be rescinded. (Decision 1128, Page 157, 1927 Proceedings). (Winborne- Page 31, Proceedings 1932).

1188 Question: Is the election of officers held at any other than the regular communication immediately preceding the 24th of June valid::

Answer: No, unless authorized by special dispensation of Grand Master. (Section 82, page 41, as amended, Regulation 70). (Winborne- Page 31, Proceedings 1932).

1189 Question: Is it the prerogative of the Master to appoint the appointive officers, including Educational Secretary and Tyler, in the absence of by-law providing for election?

Answer: Yes. Section 80 of the Code. (Winborne- Page 32, Proceedings 1932).

1190 Certain members of "C" Lodge were suspended for non payment of dues. Has the lodge the right to remit the dues and thereby remove the payment thereof as a condition precedent to applying for reinstatement? If so, must the verdict to remit be unanimous?

Answer: Yes, as to each. Sections 104 and 105 of the Code. (Winborne- Page 32, Proceedings 1932).

1191- "J" a profane, who moved from Creedmoor and resided in the city of Durham for more than twelve months, within the concurrent jurisdiction of Eno Lodge No. 210, and Durham Lodge, No. 352 petitioned Creedmoor Lodge No. 499 for the degrees in Masonry. That lodge requested the said two lodges in Durham

to waive jurisdiction. Durham Lodge granted the request and so notified Creedmoor Lodge, which, without waiting to hear from Eno Lodge, received the petition and elected the petitioner. Later Eno Lodge refused to grant waiver and registered protest with the Grand Secretary.

Question: Did Creedmoor Lodge act within its authority?

Answer: Yes. Durham Lodge by first exercising jurisdiction, acquired the exclusive jurisdiction of him, and by its waiver gave to Creedmoor Lodge the right to receive the petition. (Winborne- Page 32, Proceedings 1932).

1192 The Secretary of John A. Nichols Lodge, No. 650 A.F. & A. M., Asheville, requested permission to use a member of Mt. Hermon Lodge, No. 118, A.F. & A. M. Asheville for the purpose of taking stenographic testimony at their trial April 29th, stating that they had no member who could write short-hand. I granted their request. This permission being contrary to Section 202, sub-section "B" of the Code. (Alexander- Page 26, Proceedings 1933). (Also Decision 1107- Cash).

1193 A member of Rock Springs Lodge, No. 341, A.F. & A. M., was convicted of second degree murder. The Master asked if they could take the Criminal Court records and dispose of the case. I answered, " You can use the testimony of a Criminal Court as evidence at a Masonic Trial, but the Criminal Court evidence is not conclusive proof of the accused's guilt at a Masonic Trial. Every Mason has a right to be heard before his brethren as to guilt or innocence, therefore, you cannot reprimand, suspend or expel a Mason without a trial. Sec. No. 152. (Alexander- Page 27, Proceedings 1933).

1194 Bakersville Lodge No. 357, Bakersville, invited the five Lodges in District No. 40 to participate in a Sunday picnic, Sunday, June 26th, 1932 on top of Roan Mountain at which time they were to have an all day program and "beef barbecue" dinner. Section 110 of the Code reads, "No meeting of the Lodge shall be held on Sundays, except on funeral occasions or to attend Religious services." I held that a picnic was in direct conflict with the Code and directed the Master to abandon his plans. (Alexander- Page 27, Proceedings 1933).

1195 "B" who was a member of Corinthian Lodge, No. 542, of Greensboro, was expelled by Gulfport Lodge No. 422 of Mississippi, wanted to apply to Corinthian Lodge No. 542 for reinstatement, whereupon Corinthian Lodge, No. 542 requested a ruling on same. I held as follows: " He will have to be reinstated in the Lodge that expelled him. If he is reinstated by Gulfport Lodge No. 422 this will restore him to rights and privileges of Masonry, but would not restore him to membership in your (Corinthian) Lodge. If he should be restored to Gulfport Lodge and then desires to reunite with Corinthian Lodge, No. 542 it will be necessary for him to petition your lodge for membership. Further, if restored by Gulfport Lodge, he should secure a certificate to that effect from the Grand Secretary of Mississippi which would operate as a dimit to your Lodge in applying for membership." See Section 207-221 B., 236 and 237. (Alexander- Page 28, Proceedings 1933).

1196 Statesville Lodge No. 487 summoned a member for non payment of dues. He appeared, and asked for additional time in which to settle, which was granted, but he failed to pay.

Question: Can they proceed under the original summons? My answer was "yes" having acquired jurisdiction, granted his request, setting a definite date for payment and he having failed

to pay, they still held jurisdiction. Section 101. (Alexander- Page 28, Proceedings 1933).

1197 John A. Nichols Lodge, No. 650, asks if a registered summons mailed their member (serving time in the penitentiary) to his home address is sufficient legal notice. My answer is "NO." You know his address and the notice must be sent to him, care the Penitentiary. (Alexander- Page 28, Proceedings 1933).

1198 Denton Lodge No. 404 , held a public installation of officers but did not open their Lodge. Later discovering their error wrote to ask a ruling. I held that their officers were not legally installed, having failed to open and close the Lodge, and instructed them to re-install them at a regular communication of their Lodge. (Alexander- Page 28, Proceedings 1933).

1199 The Secretary of Richlands Lodge No. 564 issued a demit to its Master to unite with Seaboard Lodge, No. 378. Inasmuch as the Master did not resign with the approval of the Grand Master, I declared the action null and void and ordered Seaboard Lodge No. 378 to strike his name from their roll. I notified Richlands Lodge No. 564 to secure his resignation and act upon it at a regular Communication and gave them permission to accept it. I further advised them that when they had properly accepted his resignation, they could then issue him a demit and that Seaboard Lodge, No. 378, could then receive and act on his application. (Section 86, Page 42. (Alexander- Page 28, Proceedings 1933).

1200 Question: How could a member of a Lodge, who now lives in another State and was a member of a lodge in North Carolina whose charter has been arrested, but who had been

Suspended for non payment of dues in May, 1932, be reinstated?

Answer: As the man in question was suspended in May 1932, he would, therefore, come within the two year automatic reinstatement clause, and as the Grand Lodge now holds the charter of the Lodge from which he was suspended, he may pay his indebtedness to the Grand Secretary, therefby reinstating himself , and then receive a Grand Lodge dimit. (Willson-Page 29, Proceedings 1934).

1201 Question: At a regular communication the dues of one brother were remitted for the current year and for the years in which he was in arrears. A t the next meeting which was also a regular communication the Lodge, at the request of the Brother involved, rescinded its action. In the meantime cards had been issued to the Brother and the Ledger account balanced. Does the Lodge have a right to rescind the remission of dues done at a previous meeting?

Answer: The remitting of dues is final as far as the Lodge is concerned and the Lodge would have no right to rescind its action at a later date and any charges made against this brother would have to be in the nature of an assessment, which is forbidden. Therefore, the action of the Lodge in remitting the dues must stand. (Ebbs-Page 33 Proceedings 1935 (modified see below)

Your committee is of the opinion that upon the request of a brother whose dues have been remitted by his Lodge, the Lodge may at a later stated communication rescind its action in remitting the dues and reinstate the item on its books; however, the Lodge may not later rescind its action in remitting the dues of a brother if he has not requested or does not consent

to the rescinding of the action of the Lodge, for the reason that the Lodge in remitting the dues has voluntarily given up its right to that extent and may not rescind that action without the consent of the Brother involved.

1202 Question: My son has expressed a desire to me for the degrees in Masonry. He has been in Fall River, Mass., (where I am staying for a few weeks) sufficiently long to make application to a local Lodge but it is my desire to send his application to my home Lodge, North Carolina. He is working here but does not consider this his home, he does not vote, etc. Still considers my home his home. I understand from the Secretary at the Masonic Temple that the Grand Lodge of Massachusetts would extend to the Grand Lodge of North Carolina the courtesy of conferring the degrees in a case of this kind. Would you kindly let me know if the Grand Lodge of North Carolina would make this request for me if he should be fortunate enough to be elected to the degrees?

Answer: After reading your letter I am of the opinion that your son must make application to the lodge in North Carolina. If he is elected the lodge at Fall River, Mass. could be requested, through the proper channels, to confer the degrees on your son as a courtesy to the North Carolina lodge. I shall be very glad, if he is elected to membership, to make the request through the proper channels. Of course I would want it definitely shown that he still maintained a residence in North Carolina. (Ebbs- Page 33 Proceedings 1935(modified see below).

It appears from the correspondence submitted to your committee relating to this decision,1) that the prospective petitioner may soon be an "actual resident" of this State:2)

the he has not made petition to any lodge in this State and, 3) that no action has been taken under this decision. Your Committee interprets this decision of the Grand Master as meaning that the petitioner must establish a "bona fide" residence in North Carolina under the law of the Grand Lodge and not simply a "legal" residence under the State laws of North Carolina.

This question came before the Grand Lodge in 1907 and the following was adopted as the interpretation to be placed on the words "residence" and "resided" as found in Sec.118 of the Code of 1924 (then Art. X Sec.5 of the by-laws of the Grand Lodge).

"To enable a lodge to entertain a petition for degrees one must have resided twelve months within the jurisdiction of the Grand Lodge and the lodge to which the petition is presented. To acquire "legal" residence, under the present State law entitiling a person to vote, requires two years residence in the State and six months residence in the county. For the service of process a different law obtains. Surely it was not the intention of the framers of the Constitution of the Grand Lodge to leave the "residence" to the statute law of the State. We construe the words "resid ence" and "resided" in Art.10 Sec.5 of the by-laws of the Grand Lodge to mean actual bona fide residence. That is, where one lives, and not necessarily where one might have his legal or political residence, and certainly not where one may be a transient or sojourner." (Dec.607 Andrews Digest). This decision defining "bona-fide residence" has been affirmed by the Grand Lodge several times since 1907, #667 (Andrews Digest, 1910), #10, 1928 Proceedings page 154: #23, 1929 Proceedings page 62.

Your committee restates the law as found in the several decisions of the Grand Lodge as referred to above and recommend that the decision #2 of the Grand Master, be modified to

conform thereto, and approved.

1203 Question:The Grand Secretary of Tennessee writes as follows: "Your White Rock Lodge, about 20 miles from Greenville, Tenn., has indicated that they would like for our Greenville Lodge No.3 to send its team to White Rock to confer a third degree for them. Under our law this is permissible, but before giving our Greenville Lodge definite instructions in the matter I wish to determine whether or not it would violate any of your regulations. Please advise."

Answer: I know of no reason why the Masonic Lodge at Greenville, Tenn., could not confer the degree requested by White Rock Lodge #392, as I do not find that it conflicts with any regulation of our Masonic Code. You, therefore, have my permission to instruct the Greenville Lodge to confer the degree. (Ebbs-Page 34 Proceedings 1935).

1204 Question: By Grand Secretary Vernon L. Ashworth was a member of Ottolay Lodge No.533 which surrendered its charter in 1933. He was suspended for non-payment of dues, January 18, 1930, owing $18.00. Under our law a man suspended for non-payment of dues becomes the property of the lodge nearest his residence. As this man lived in California, how can he be reinstated?

Answer: Vernon L. Ashworth was suspended for N.P.D. by Ottolay Lodge #533 (N.C.) on January 18,1930, which Lodge surrendered its charter to the Grand Lodge in 1933, and as he is now a resident of California and desires to re-affiliate. No subordinate Lodge in North Carolina has jurisdiction over him and as the Grand Lodge now holds the charter and all records of the Lodge from which he was suspended, you are hereby authorized to

issue a dimit to him upon his making application therefor and satisfying you, by lawful information, that he was a member of Ottolay Lodge #533, now defunct; and also paying to you, as Grand Secretary, the amount of his indebtedness before his former Lodge surrendered its charter, not exceeding three ($3.00) Dollars. He will then have all the rights of a dimitted Mason and may apply for membership in any regular Lodge. (Ebbs-Page 35 Proceedings 1935).

1205 [illegible]: Question: I have been thinking of a means whereby we can raise a little money and at the same time help Masonry in this State. Throughout the world the degree of Installed Master is conferred upon newly elected Masters of Lodges, with the lone exception of this country. Until recently, I thought that this Degree was something similar to our Capitular degree of Past Master, but on reading the rituals of England, Scotland, Australia, et cetera, I find that there is no similarity and the legend matter is quite different and most unique. We should like to develop a team in our Lodge to confer this degree upon Masters and Past Masters in the State, as a further educational feature and as a method of increasing interest. We should like to give each recipient a card and diploma, showing that the degree has been conferred. This will, naturally, entail some expense; so, we had in mind charging a fee of five dollars for the honor. We should like to have permission to do this work and feel that it will be a means of stimulating the Masters and Past Masters of this jurisdiction to greater activity.

Answer: With reference to the degree entitled "Installed Masters," it appears from the Code, Sec.4, page 4, that among other powers, the Grand Lodge"_____to the extent of its territorial jurisdiction, is the absolute, exclusive, and indisputable owner and controller of the whole system of creed and symbolism of the degrees of E. A., F. C., and M. M. From this proprietorship all

authority possessed by subordinate lodges or individuals to assemble in the capacity of Masons, in the name of Masonry, is derived." In this declaration we see the supremacy of the Grand Lodge in North Carolina (even over individual Masons); and that only three degrees are recognized in the Symbolic System in North Carolina, which is further affirmed in Sec. 130, page 73. The Grand Master has no power to dispense with this law, as his power is subject to the limitations of the Constitution and laws of the Grand Lodge. (Se.13, page 10: Sec.14, paragraph 4, page 11; Reg. 10, page 10; Reg. 14, page 12; Reg. 16, page 12; Reg.20, page 13). It occurs to me that the proposition offered is most unusual in Masonry, in this respect: the ritual of the proposed degree is not submitted for examination before the req uest for its introduction in the Craft. It is my belief that any such proposition must be made at an Annual Communication of the Grand Lodge, accompanied by full information on the subject, and be referred to the Board of Custodians or a Committee or Commission, for its action. I also invite attention to the fact that (assuming that the proposed degree is only for Masters or Past Masters) it could not be considered in detail in the Grand Lodge, without excusing all present who are not Masters or Past Masters. It is my opinion that the degree can not be introduced in this jurisdiction until the Constitution and laws of the Grand Lodge are amended in many respects. The proposition appears to be one based on the financial needs of a lodge which is sought to be relieved by introducing a new degree or ceremony in the Symbolic System, for which a fee of $5.00 will be charged and the recipient to receive a diploma. As I see it the need, as suggested, does not justify the innovation, and I am of the opinion that the means suggested whereby to meet

that need is not within the power of the Grand Master to approve. (Ebbs-Page 36, Proceedings 1935)

1206 Question: Brother A, of _____Lodge, complains that a candidate was advanced over his protest. Investigation disclosed that the objection was made to the Secretary at his home, the Secretary stating that Brother A came to his residence, made a payment on his dues and remarked, "I expect I will have to object to Brother_____."

Answer: First, the request that the brother be not advanced was not made in open lodge as is covered by Decision No.823, by Andrews, G. M., Dec. 1917 reading as follows: Ballot on the advancement of a candidate can only be demanded in open lodge, usually when the candidate presents himself for advancement. Decision No.1038 reads as follows: When any brother desires a second ballot on the initiation, passing or raising of a candidate, his request for such ballot must be made in open lodge. Dec.1924, Poteat, G. M. The Master of the Lodge stated that the petition of the candidate was legal in every particular, and that the questions were asked in the usual manner before proceeding with the Degrees. No objection was offered and the lodge proceeded to confer the Degrees. Therefore, I will have to rule that there was no error committed by the Lodge in conferring the degrees. (Ebbs-Page 37 Proceedings 1935).

1207 Question: The regular monthly meeting of _____Lodge is the first Friday in each month. On December 27, Thrusday, the Lodge met as a St. John's Day meeting and during the meeting elected a candidate who has been rejected two or three times before. I have objected, as the code says that the petition for the degrees can only be voted on at the regular communication of

the Lodge. I have written John Anderson and he gives it that the action of the Lodge was illegal and the election void.

Answer: After carefully considering the action of the Lodge in voting upon the application of a candidate on St. John's Day, I am compelled to make the following decision: We can not penalize the candidate for the mistake of the Lodge, but the Lodge in violating the law is subject to discipline by the Grand Master of the Grand Lodge. After investigation I find that it was not the intent to violate the law, and therefore will consider the matter closed, with an order to your Lodge that if they desire June 24 and /or December 27 to be regular communications, it will be necessary for them to so state in their by-laws. (Ebbs-Page 38 Proceedings 1935).

1208 Question: We are in receipt of a dimit for Brother John E. Kehl from a lodge in Germany which was under the Grand Lodge of Germany and when this dimit was issued this particular Grand Lodge was recognized and the Grand Lodge of North Carolina was in fraternal relations with them. Will you please authorize Mt. Hermon Lodge to receive this dimit as regular in order that Brother Kehl may become affiliated with us?

Answer: As the Dimit was in German, I have had it translated and it would appear to be in proper order. From this Dimit it appears that Brother John H. Kehl was a member of the Lodge of St. John of the Three Circles in the place of Stettin, which was under the jurisdiction of the Great National Mother Lodge of Freemasonry in the Prussian States. The Dimit from this Grand Lodge Jurisdiction was dated Nov. 3, 1904. In view of the fact that this Grand Lodge was properly recognized by our Grand Jurisdiction at the time it ceased operations, your lodge is granted permission to

receive this application, same to be handled as any other Dimit received from any jurisdiction with which our Grand Jurisdiction was in proper fraternal relationship. (Ebbs-Page 38 Proceedings 1935).

1209 Question:_____Lodge voted on the application of Brother B, the first and second ballots were not clear, and the candidate was declared rejected. At the close of the meeting a young man who did not attend regularly and who was probably casting his first Masonic vote, went to the Master and stated that he believed he had voted wrong, that he intended to vote for the man but had cast the black ball. The brother making the mistake is willing to make an affidavit as to his error. Can we correct our minutes with the affidavit and proceed with the balloting or must this application be shelved for 12 months?

Answer: Although all of the members of the Lodge were present at the time the young man discovered that he had made an error in the manner in which he cast his ballot, and although he is willing to make an affidavit that the error was made through his ignorance of the manner in which he should vote, this does not warrant our re-opening the matter in any other way than that set forth in Section 127 at Page 71 of the 1924 Code, which reads as follows:

"In balloting on a petition or an application, if two negatives appear, the candidate shall be declared rejected: if only one negative again appear, the candidate shall be declared rejected. No ballot shall be taken for a rejected petitioner in less than twelve months from the date of such rejection and then only after a new petition shall have been filed by him and the same procedure had as in the case of the original petition." (Regulation 184,page 72.

"A lodge has no right to rescind nor reconsider its decision made by ballot upon a petition for the degrees or upon application for membership."

I feel it my duty to rule in keeping with the Code. I regret this very much, because if the Master performed his duty as prescribed by Masonic usage, the manner of voting was announced at the time the petition was presented, and there is little excuse for an error of this nature. (Ebbs- Page 39, Proceedings 1935).

1210

QUESTION: "A member of X lodge is accused of un-Masonic conduct and charges have been preferred against him. Can he be denied the right to attend the communications of his own lodge between the time the complaint is filed and the time of the trial?"

ANSWER: No, he may not be denied the right to attend his own lodge. Although accused of un-Masonic conduct, a member is presumed to be innocent until he is proven guilty, and he is entitled to all the rights and benefits arising out of, or incident to, his membership in his lodge, until such time as he had been found guilty, after due trial. A member is not a "visitor" in his own lodge.

(2) He may be denied the right to visit another lodge (other than his own) under Section 95 of the Code, if that lodge, or any member thereof, should object.

Newcomb 1936

1211

QUESTION: "If a brother is summoned to appear at a stated time and place to show cause why he should not be suspended for non-payment of dues, the time comes, and the brother fails to appear. Can this be carried over until the next regular communication and suspend him at that time?"

ANSWER: At the stated communication to which the brother has been summoned to appear, the lodge must take some definite action. Section 101 of the Code provides three things it may do. (1) It may excuse him from the payment of such dues; (2) may grant him a *definite* time in which to pay them; (3) or it may suspend him for non-payment thereof.

If the lodge fails to do either of these things at the stated communication to which the brother has been summoned, it loses the force and effect of its summons.

New

To maintain the force and effect of its summons, the lodge must act at the stated communication to which the brother has been summoned and grant him a *definite* extension to a subsequent stated communication, at which time it may then act in any of the three ways provided for in Section 101.

Newcomb 1936

1212

QUESTION: "Charges were preferred against a member for un-Masonic conduct: which were served on him personally on December 7th. On December 10th the member had a hearing before the court and was adjudged an inebriate and sent to the inebriate department at Dix Hill. Can this in any way stop the lodge from going ahead with the trial?"

ANSWER: Yes. An inebriate is generally defined to be "an habitual drunkard", and considered as mentally incompetent. The trial should be deferred until the accused has been discharged from the hospital. It is difficult to justify the trial of one mentally incompetent.

Newcomb 1936

1213

QUESTION: "Is it a Masonic offense for a member of a Masonic lodge working under the jurisdiction of the Grand Lodge of North Carolina, to accept or work in the position of either Manager or Clerk in an A. B. C. Liquor Store that sells whiskey, gin, rum, and brandy; said store having been established under what is known as the Pasquotank Liquor Act; said act which was passed by our last General Assembly?"

ANSWER: Yes. Changed by Reg 274 - Sec 151 par 6 Nov 1936

1214

QUESTION: "*Brother* 'A', a former member of 'B' Lodge who is now under suspension for non-payment of dues, is engaged in selling intoxicating liquors in the A. B. C. Store here. He has been waited on by our Reference Committee and informed that he is violating the Masonic Code of North Carolina in so doing, and he wishes to pay up his dues, automatically reinstate himself and ask for a demit. Can he do this? If so, what would his status then be as to the violation of the Code?"

ANSWER: (a) Brother "A" has the right to apply for reinstatement under Section 104 of the Code and if he is entitled to "automatic" reinstatement as therein provided, it cannot be refused.

(b) If he has committed a Masonic offense for which he should be tried, he should not be granted a demit. See Regulation 203, page 80 of the Code.

(c) The status of a demitted Mason is no different from that of a Mason suspended for any cause, so far as being subject to charges and trial for un-Masonic conduct. (Sec. 154 Code; Decision 877, Andrews' Digest). Nov 1936

1215

QUESTION: (a) "We have a brother here who has been suspended for non-payment of dues.

(b) "Since he was suspended he has been and is still engaged in selling intoxicating liquor in the A. B. C. Store recently established here.

(c) "Would we under the Masonic law prefer charges and cite him to trial before the Lodge?"

ANSWER: (a) A non-affiliated Mason still remains subject to the government of the Order and may be tried and punished for any Masonic offense, by the Lodge within whose particular jurisdiction he resides. (Section 154, Code: Decisions 877 and 884, Andrews Digest). The Lodge has the right and it is its duty to prefer charges against them for un-Masonic conduct (Section 88 (10) Page 44, Code), and at all times act promptly and firmly to protect the good name of Masonry.

(b) A member suspended for non-payment of dues (therefore a non-affiliated Mason) employed in an Alcoholic Beverage Control Store and who is engaged in the sale of intoxicating liquor to be used as a beverage, commits a Masonic offense under Section 151 (6-a) of the Code and is subject to trial for un-Masonic conduct. If c-

The fact that the Alcoholic Beverage Control Store, and the sale therein of intoxicating liquor to be used as a beverage, are all authorized and permitted by the laws of the State of North Carolina and the United States, does not modify or change the Masonic law as found in Section 151 (6) on this subject.

(c) Yes. However, he should be first advised and given an opportunity to set himself aright with Masonic law. (Changed by Reg 274 Sec 151 par 6 Nov 1936

1216

QUESTION: Should members of subordinate lodges in North Carolina hold honorary membership in other lodges, either within or without the State?

ANSWER: Section No. 79 of the Code specifies in detail who constitutes the membership of our subordinate lodges. Section 94 as amended in 1933 prohibits dual membership, except as therein particularly provided. In neither of these sections, nor elsewhere in our law, is there any expressed or implied provision for defining, permitting or regulating honorary membership.

Section 698 of Andrews' Digest is the only interpretation that our Grand Lodge has made on this question, and it is my opinion that honorary membership was then considered and defined as being the same as dual membership, and was not permitted in the case then under consideration. Therefore, until the Grand Lodge defines, authorizes and regulates honorary membership, making certain distinctions between honorary and dual membership, the decision heretofore made No. 698 and Section 94 of the Code, must stand, as our law prohibits honorary membership in our lodges, or members in our lodges holding outside membership in lodges outside of North Carolina. Changed by Reg 277 – Sec 94 Hudson 1937

1217

QUESTION: "A" lodge has been asked by a certain church to unveil a cornerstone. The question submitted, "Was that permissible?"

ANSWER: I ruled that it would not be permissible for a lodge to appear in Masonic clothing, nor as a Masonic body for the unveiling of a cornerstone.

We lay cornerstones, but no provision is made for unveiling same. Hudson 1937